CHAPTER 4

RISE AND FALL OF THE INDEPENDENT TRADE UNIONS:
POLITICS OF THE MARGINALS

The "independent" trade unions are the ones which are not formally affiliated to any centralised pan-Indian trade union bodies. They may be part of a federation but their decisions are not formally guided by the federal body. They also do not explicitly pronounce any party affiliation, even though, in reality, their members may have party membership or strong links with the key leaders of a political party. While they may participate in national level issues jointly raised by the centralised trade union bodies, their main focus however is to highlight factory level issues only. When the workers support such trade union bodies on a massive scale, they take a tremendous risk in view of the fact that these autonomous trade unions are not apparently backed up by any national party or a parent trade union at the regional/national level. In the absence of these regional/national networks, it is immensely difficult to fight with a highly organised factory apparatus which has national level links. As the factory management, for example, drags the labour disputes to the Tribunals, to the High Court and to the Supreme Court, it would be increasingly difficult for these unions to select the lawyers, pay them and fight the usually protracted legal battles. In the case of the centralised trade unions, all these problems are settled by the respective parent bodies by using the services of lawyers who are also members of the respective political parties. In this chapter we propose to enquire why and how the autonomous trade unions have been supported by the RSP workers, in spite of such heavy odds against them and in the face
of an authoritarian factory apparatus in collusion with the repressive state machinery in Rourkela.

The genesis of "independent" trade unionism can be traced back to the late 60s when the workers overwhelmingly supported a non-party union, Ispat Shramik Sangh during the elections to the Works Committee in 1969. Subsequently, the workers favoured a new non-party union, the Rourkela Steel Plant Employees Association in the mid-seventies, i.e., during 1974-78. In the late 80s, during 1987-89, the workers once again extended massive support to a non-party union, the Rourkela Shramik Sangh. Our purpose here is to examine the circumstances in which each of these three autonomous unions was supported by the workers at different points of time and find out the forms and substantive issues over which the workers were mobilised by these trade unions. There are now some clarifications required in our periodisation of the 'independent trade unionism' in Rourkela. The North, Orissa workers Union (NOWU) which declared itself an 'independent' union, registered in 1955, could also be considered an "autonomous union". But in reality the NOWU was formed with the support of the erstwhile Ganatantra Parishad and later declared the Swatantra Party as its parent body. Its fortunes fluctuated depending on the fate of the parent party which had a large electoral base in non-coastal Orissa. So unlike the ISS or the SPEA or the RSS, the NOWU as it existed in the 50s and 60s could not be strictly considered a typical "non-party" non-affiliated union. Presently, however, the NOWU has survived in the RSP mines even after the demise of the parent party. Now it is reduced to a non-party independent union which, as we shall see below, is also a non-entity in the factory workers' politics in Rourkela. Given this history of the NOWU, we
propose to examine separately the role of the NOWU in this chapter. These are the reasons why the genealogy of the "independent trade unionism" in Rourkela could not be stretched back to the formation of the NOWU in March 1955. Section I of this chapter deals with the rise and fall of the Ispat Shramik Sangh. Section II discusses the role of the Rourkela Steel Plant Employees Association and its subsequent demise in the mid-70s. Section III highlights the role of the North Orissa Workers Union. Section IV examines the rise of the Rourkela Shramik Sangh in the late 80s.

I

The Ispat Shramik Sangh:

In 1967 President V.V.Giri, one of the pioneers of the early trade union movement, visited Rourkela. Dhananjay Mohanty, a local advocate and one of the the early leaders of the local rehabilitation movement along with B.K. Bose, L.N. Das, R.M. Patnaik and others visited the President of India. Giri assured them all sorts of help in Delhi. In 1968, they launched Rourkela's first non-party trade union, the Ispat Shramik Sangh (ISS). The union was formally registered in October 1970. The ISS was independent of political parties and was primarily concerned with the issues of the "local" people working in the RSP factory and mines. The founding members believed that in theory trade unions are not to concern themselves with political parties. In practice, however, all the trade unions in Rourkela are guided by the considerations of their parent political parties. As a result, there was and still is very little autonomy for the trade union wings, L.N. Das argues. Das further says that once the workers are active in these trade unions, they are asked to become members of the parent
political party. He continues that the unions fought shy of focusing on the issues of the local people especially the adivasi and non-adivasi workers of the Western Orissa districts like Sambalpur, Sundargarh and Bolangir. These trade unionists feared that by raising the local issues they might lose the votes of other people staying in the steel town. So with the tacit blessings of V.V.Giri, it was decided in 1968 to form the Ispat Shramik Sangh concentrating mainly on the problems of the local people working in the RSP.

A group of core activists like L.N.Das, B.K.Bose, R.M.Patnaik, Dhananjay Mohanty and others began to visit the local workers in their bastis and steel town quarters. The union was formed with the following office bearers: Dhananjay Mohanty as President, B.K.Bose and R.M.Patnaik as Vice President and L.N.Das as General Secretary. The office bearers presently are B.K.Bose as President and P.Kullu as Secretary. The ISS was more acceptable to the adivasis, dalits and Sambalpuri people working in the RSP. While the coastal Oriyas and the other non-Oriyas were divided into many political groups, the workers from the Jharkhand region of Orissa were soon united under the ISS. During 1968-74, the union’s support among the workers of the different units could be described in the following order of their strength: (1) Coke Ovens, (2) Blast Furnace (3) Cold Rolling Mill (4) Traffic (5) Canteen and Stores. The recognised union RMS lost its support base among the adivasis and tribals to the ISS. However, the RMS retained its support among the coastal Oriya workers of the Steel Melting Shop.

Thanks to the hard work of its General Secretary L.N.Das and Vice President R.M.Patnaik, the union won 9 seats out of a total of 10 constituencies of the 3rd Works Committee elections in 1969.
It won the seats in (1) the Power Plant, (2) Foundry, (3) Hot Strip Mill, (4) By-Product Plant, (5) Coke Ovens, (6) Blast Furnace, (7) Cold Rolling Mills, (8) Traffic and (9) Canteen and Stores Department. The recognised union won only one seat in the Steel Melting Shop where it retained its majority among the coastal Oriya workers.

There was a prelude to the union’s success. The management was reluctant to hold the elections to the Works Committee. The recognised union which had won all the 10 seats of the 2nd Works Committee was also apprehensive of losing to the newly established ISS popular among the local workers. The ISS activists approached the then Chief Minister R.N. Singh Deo who hailed from a Western Orissa district. The Chief Minister was naturally sympathetic to the pleas of the ISS. In March 1969 State Government ordered the DLC office to conduct the Works Committee elections in the RSP. In May 1969, the elections were held. L.N. Das and R.M. Patnaik worked day and night during the election campaigns for about two months. For many days they used to eat and sleep inside the Plant. The main plank of the ISS during the campaign was the "welfare" of the RSP workers. The workers accepted the ISS manifesto and the ISS won because the adivasis, dalits and Sambalpuri workers voted for it. The Church and local people played a crucial role in the union’s success. There was already a registered organisation under the Ispat Shramik Sangh, supported by the Christian school teachers, Christian tribals and was funded by the Churches spread in and around Rourkela. R.M. Patnaik of the ISS, an ex-secretary of the INTUC, along with the Christian teachers and Church priests tried to mobilise the RSP’s tribal workers who were mostly Christians.
Almost all the tribals soon became the members of the union. The tribals, whether Christians or not, are somehow linked with the Churches. Even non-Christian tribals receive financial assistance from the Church towards their marriage functions. The ward members of the panchayats of the tribal villages go for the blessings of the Fathers.

In the public meetings of the Ispat Shramik Sangh, the church priests were invited as chief guests. In their hand bills circulated those days, the union clearly appealed to the tribals and local non-tribals. The hand bills mentioned that the local people were displaced by the RSP. However, they were not properly compensated even after 20 years of the industrial settlement. The union thus clearly appealed to the tribals, Christians and local people.

The union used to raise workers’ issues through gherao, demonstrations and strikes. These were also important reasons for the union’s success in the elections in a such a short span of time. The union was only formed in 1968 a year before the elections to the Work Committee. As part of its initial work at the RSP the union found that there were about 12 Khalasis of the Central Maintenance working for 15 years in different departments of the RSP. They did not get any promotion during all those years. The union members gheraoed the line manager and Superintendent in one room for one day and night and demanded immediate promotion. The ADM was called to intervene on behalf of the management. The ADM called the Union Secretary L.N. Das and informed him that the news of the gherao had already reached the upper echelons of power in Bhubaneswar and requested him to lift the gherao. The ADM also assured the secretary that all Government help would be provided to
the union to negotiate with the management and assured him that the Office Superintendent would invite the union next morning for negotiations on the subject. But even without the union secretary being invited for discussion the management declared the promotion of all 12 Khalasis Helpers.

Before we narrate the role of the union during 1969-72 (after which its ground swell of support gradually waned) it would be necessary to highlight the key role of L.N. Das, its General Secretary in building the union with his early experience in the RSP mines. L.N. Das, a son of a low grade worker in the TISCO, joined as welder in the RSP in 1959, after completing his post-matric apprenticeship training in the ITI in Jamshedpur. Das was initially working in the Barsuan mines of the RSP. The mines management introduced a shift system from 2 p.m. to 11.30 p.m. in 1962. This new system created enormous problems for the miners who were to return to their residences in the jungle areas in the middle of the night. Das organised the local adivasi workers who were chiefly affected by the new timings and demanded that buses be provided for the workers to return home in the night. As the negotiations failed, the miners resorted to strike for 13 days during which they also demanded canteen facilities. The strike was a success. In September 1962, the mines management transferred Das to the Fertilizer Plant in Rourkela. In April 1963, Das was once again served a transfer order but to the Satna mines this time. Since Das was a key organiser of the miners strike in Barsuan in 1962, the management was constantly harassing by transferring him from the mines to the factory and vice versa. In April 1963, Das challenged the RSP management in the Labour Court and pleaded that the transfer be declared illegal in view of the rules concerning
the change in the service conditions. The Court in its sitting in Bhubaneswar upheld Das's plea. Since then Das has been working as welder (presently as head welder) in the Central Maintenance unit of the Works Department. The management, however, did not deter in its vindictive attitude towards Das. In a promotion case in 1964, the RSP authorities favoured an INTUC (the recognised union) workman against Das. This was promotion in pay scale in the same grade. Das challenged this in the Civil Court. The Court on verification found that the apprenticeship training certificate of the INTUC counterpart was forged and quashed his promotion. The INTUC workman was later removed from the services. Das won the Court case against an increasingly vindictive management of the RSP. But in the course of these frequent Court battles he was more and more reminded of the Barsuan miners strike of 1962. For Das, this highlighted the problems of the local adivasi workers who were to occupy his attention later when he became the Secretary of the ISS.

After the ISS won an absolute majority in the 3rd Works Committee in 1969, the union claimed recognition status. The DLC adopted the procedure of physical verification of union membership. The RSP Deputy G.M., L.I.Parija allegedly prepared the list of workers in such a way that when every 10th member was asked, he was found to be member of the recognised the union. The RMS membership was found to be 8290 (30 per cent) and the ISS membership 4225 (14.9 per cent) as in March 1970. So the ISS lost the recognition status. The ISS activists of course were not aware of any manipulation of the list of workers.
However, the Works Committee which was captured by the ISS lasted for two years till May 1971. Some of the main achievements of the union were as follows - it had an agreement with the RSP on the proper manning of the HSM in May 1970; leave card was introduced; LTC was also introduced once in two years for local people hailing from within 750 kms; many local displaced persons got employment in the RSP. In 1972 the union formed the Sundargarh Mining Labour Contract Cooperative Society Limited at Purnapani mines of the RSP. The Labour Contract Society has presently a membership of 2000 people (all miners). It has two groups of membership: A class and B class. While A class has three-fourth of the total members with a membership fee of Re.1/- (per month) and entrance fee of 25 paise, the B class has 1/4th members with the membership fees of Rs.25 per annum and an entrance fee of 50 paise. The Cooperative Society runs the mines, recruits labour, concerns itself with issues of promotion, the fixation of shifts, working hours, holidays, etc.

The union, however, began to lose its base from 1974 onwards. The core activists of the union broke apart. In 1974 the RSP management removed L.N.Das, the Secretary and R.M.Patnaik, the Vice-President of the union from the services. Das was removed for illegally occupying a RSP flat. Patnaik was dismissed because he forged his Intermediate certificate from the Andhra University. The management entrusted the CBI to look for more clues so as to frame charges against them. The CBI found Das’s Matriculation certificate genuine but confirmed Patnaik’s forgery. Dhananjay Mohanty, a noted lawyer, Gandhian activist and the union’s President, pleaded Das’s case before the management and argued that it was absolutely whimsically to remove somebody from services for illegally
occupying a flat. The RSP authorities did not demur in their attitudes because their motives were political. However, they said that they would withdraw the case in the Labour Court only. The case against Das was withdrawn in the Labour Court at Bhubaneswar in December 1974. Das was reinstated after 30 days of removal from the service. But as a measure of harassment, the RSP authorities withheld his increment for one year. As the RSP authorities became more and more hostile towards the demands raised under the banner of the ISS, the union lost its cases. Since the union did not get "recognition" in 1970, it faced many problems. Once the Vice-president, a core activist of the union was removed for ever and the Secretary was removed for 30 days, the activists got demoralised. As the leadership lost its ethical legitimacy in 1974, the union collapsed in the face of the repression by the factory regime.

II

The Rourkela Steel Plant Employees Association

The Rourkela Steel Plant Employees Association (henceforth RSPEA) is the last but one union to be registered in Rourkela in February 1972. After this, the Rourkela Shramik Sangh was established in 1987. But it was registered in October 1988. The RSPEA was formed by the Lohia socialists with G.N.Pradhan as its President and B.K.Mohanty as its General Secretary. Though Pradhan and Mohanty were the erstwhile activists of the Samyukta Socialist Party (SSP), they believed that the union ought not to concern itself with political ideology or establish affiliations with any political party. Mohanty was then a ministerial employee of the steel plant.
In 1971 the union was informally established and its prime focus was on the ministerial employees of the steel plant. Its leaders felt that most of the unions of the RSP were concentrating on organisation of the factory workers. Consequently the organisation of the ministerial employees mostly working in the General Administration and Town Administration had been neglected. However, going by the legal definition of the worker of the RSP - the criteria adopted by all the Rourkela trade unions - the ministerial employees being non-executive ought to have been organised by these trade union bodies. The union leaders, therefore, wanted to fill up this "empty political space" in the RSP. But they preferred to remain an independent entity, initially focussing on the demands of the ministerial employees. The union was formed with the guidance of George Fernandes and Rabil Ray who were later associated with the Janata Government at the Centre. The General Secretary of the union, B.K. Mohanty was earlier associated with the North Orissa Worker's Union (NOWU) in Rourkela. But he left the NOWU due to the "ideological and moral bankruptcy" of its leadership and formed the RSPEA. In June 1973 the union began a movement for bonus to be fixed by the criterion of performance of the employees irrespective of the production profit or loss. The RSP authorities used to sanction only production bonus borne out of the profits for the year. The union opposed this bonus policy on the grounds that there were other factors like power supply, managerial decision on marketing, etc., that were responsible for profit or loss in the steel plant. If production loss could occur due to power supply (mis-supply) or managerial decisions (indecision) on marketing, etc., the labour could not be held responsible for such financial losses. So the union demanded that the performance criterion be adopted for the bonus sanction.
This bonus movement continued for regular strike action, the union led and staged a demonstration of pressure on the management and employees so that the management hesitate to take punitive action. Finally, the management agreed to entered into an agreement with the employees also got Rs. 39.33 plus year 1973.

During the Emergency period, the union was totally defunct. However, after the historic victory Parliament elections, the union contested the Assembly elections on in 1977. Mohanty had earlier contested it. But on this occasion, he won the support of the ministerial employees and also the factory workers especially after the success of the bonus movement in 1973. B.K. Mohanty was received with garlands and the blowing of the conch shells in the bastis and quarters of the Rourkela townships during his election campaign. The workers used to fall at his feet and seek his blessings. The Janata "wave" of the post-emergency period also aided his success. B.K. Mohanty was the second trade union leader who was elected as MLA from Rourkela, the first being Rajkishore Samantrai of the RMS in 1967. Ironically, during the Janata rule at the centre and state, the union's fortunes rose and fell dramatically. Since the union's General Secretary was the Janata Party MLA from Rourkela, there was a massive influx of
workers to enrol as union members. In December 1977, the union by using the State Government's pressure negotiated with the management and helped in the promotion of about 7000 employees who were stagnating for 10 years or more in the services of the RSP. Of them there were about 2500 ministerial employees. After their promotions were secured, workers flocked into the union. By the early 1978, there were about 10,000 workers enrolled as union members. The RSPEA collected three rupees for its membership.

No sooner its membership swelled, a union leader complained that the union's subsequent policies for consolidation were being sabotaged by Biju Patnaik, the then Minister of Steel and Mines in the Janata Government at New Delhi. In 1978 the union organised about 1200 workers of the Steel Melting Shop on a strike for 7 days, demanding the promotion of about 600 workers, House Rent Allowance and incentive to all. The strike continued for a week resulting in hunger strike and gherao of the authorities. Biju Patnaik's Ministry referred the case to the Tribunal. The enthusiastic support of 100 per cent of the SMS workers ended in a whimper. Their strike was withdrawn without much benefit obtained from the management. All their hopes that the strike action led by a Janata MLA would be supported by the Janata Government(s) - the reason why there was a "100 per cent" participation in the first place - turned out to be of no avail. As if this were not enough, when the union subsequently demanded the elections to the 5th Works Committee which should have been formed in 1974, Biju Patnaik and the state Janata government opposed the union's move. As a result, the Works Committee elections which have been a rallying point for the workers' were forestalled for more than a decade. Moreover B.K.Mohanty, the General Secretary of union who
had already resigned from his ministerial post in the RSP at the
time of his election as a MLA was not seen in Rourkela for several
months. The union's strength gradually vanished. By the time the
Janata rule ended in 1980, the union ceased to be a reckoning force
in Rourkela. The workers lost faith in the union leadership and
the Janata Party. In the 1980 Assembly elections, no wonder, then,
the Congress was voted back from Rourkela. Since then, the union
has been reduced to a non-entity.

III

The North Orissa Workers Union

This was the first union to be registered in the Rourkela
Steel region. The initiative for its formation was undertaken by
R.B.Misra, A.P.Das, Bhabani Pati who were all activists of the
erstwhile Ganatantra Parishad which had the reputation of being the
"Party of Maharajas" of North Western Orissa. Next to the Congress
Party, it remained the second strongest party in Orissa throughout
the 1950s and early 60s. Though the union declared itself
"independent" it was actually functioning under the guidance of the
Ganatantra Parishad and later the Swatantra Party which was
reconstituted from the Ganatantra Parishad after the 1962 general
elections. The union was formally registered in March 1955 with
R.B.Misra as its President, Amrish P.Das as General Secretary,
Bhabani Pati and B.K.Mohanty as Vice President. R.B.Misra, the
President of the union, later became the President of the Parishad
in 1957 and also contested as the Gana Parishad candidate for the
1962 Lok Sabha elections in Keonjhar where he lost to the Congress
candidate. Misra subsequently became the Labour Minister in the
Swatantra Jana Congress coalition government in Orissa in 1967.
The union, however, continued to function under the leadership of its General Secretary A.P. Das till his paralysis in 1985. Describing the relationship between the Parishad/Swatantra and the union, Das once humorously revealed: "It is just like the relation between the parents and their children in the Western Orissa, except the fact that, in our case we "immediately" became bit rich (in membership) when our parent was in power in the state for the two subsequent times, i.e., from 1967-71 and 1971-72." This statement, however, gives an exaggerated picture of the union membership as we shall see below.

In the construction phase 1955-58, the union participated in organising the construction workers in their struggles. As a result, their wages were raised from 12 annas to one rupee and further to one rupee four annas per day. In 1962 the union mobilised the security men of the steel plant demanding better service conditions. Actually, there was no duty law. The Security Department was being treated as a Police Department. The union demanded that the security force be covered under the Factory Act. In response, one Lahiri, a retired I.G. (Police) of Uttar Pradesh working as advisor to the Security Post in the RSP prepared a Manual popularly called "Lahiri Manual" for the service conditions. A.P. Das filed a writ petition against 'Lahiri Manual' in the Orissa High Court. In 1963 the Court gave a verdict that Security post be covered under the Shops and Commercial Establishment Act and ordered that the security staff be immediately paid overtime.

1. See Jalad Tripathy, Trade Union Politics: A Study of the RSP 1977-82, M.Phil dissertation, Centre for Political Studies, Jawaharlal Nehru University, 1983, pp. 76-77.
arrears for 1962-63 for extra-time they put in the old service rule without getting any benefit. The RSP management entered into two agreements with the NOWU in November 1963. Later, B. Patil filed a case in the High Court at Cuttack and got a verdict that the Ispat General Hospital (IGH) be brought under the Factory Act. In January 1964, the management entered into an agreement with the NOWU for fixing the working hours of the IGH.

The union however lost its base among the workers for various reasons. Some of its ex-members point out that the General Secretary’s corrupt practice in the labour contract works was mainly responsible for the erosion of the union’s strength. For example, in the Barsuan mines, the NOWU used to run a labour contract society. The cooperative was used by A.P. Das to make huge sums of money which Das and Co., allegedly spent on drinks and womanising. In 1968 N.K. Mohanty, then a ministerial employee of the mines, who later became the General Secretary of the CITU (RSP), enlisted corruption charges against A.P. Das’s cooperative society and approached the erstwhile D.G.M. (RSP) and the Registrar of Cooperative Societies (Rourkela). The D.G.M., an IAS cadre on deputation to the RSP, soon swooped on the cooperative at Barsuan, locked its office and ordered an inquiry into the alleged malpractices. This act considerably defamed A.P. Das who even later reportedly tried to murder the complainant N.K. Mohanty who did not belong to any union in 1968. One of the Vice-Presidents of the union B.K. Mohanty later resigned in disgust over the growing corruption in the union and formed the RSPEA which soon became popular in 1971-72. Once the union leadership lost its moral character, it also lost its strength for ever in the RSP. However, in the Kalta Iron Ore Mines (KIM) of the RSP, the union continued
to enjoy its sole rights to negotiate with the RSP on the agreements pertaining to the Kalta miners. In March 1969, the union established an agreement with the management on the revision of pay scales of the drivers of the Mines. In March 1970, there was a bipartite agreement with the union on the revision of pay scales of the skilled workers of the Mines. There were two agreements with the union in 1974, one in 1975 and one in 1977 dealing with the wage revisions of the regular workers of the KIM. There was also one bipartite agreement with the union dealing with the award of the Field Establishment Allowance of Rs. 20 p.m. for 54 employees of the KIM with effect from August 1975. It is important to note that the last time the union had entered into any agreement with the RSP was way back in August 1976. Since then, it has been replaced by the United Mines Mazdoor Union affiliated to the CITU with which the KIM management has entered into a few agreements concerning the wage revision in the 1980s. Now the union exists only in a nominal sense in Rourkela.

IV

The Rourkela Shramik Sangh

The Rourkela Shramik Sangh, popularly known as "Panicker Union" in Rourkela was born out of the court room struggles against the retrenchment of about three thousand contract workers who fought under the banner of the Contract Labourers Welfare Association formed in the early 1987. M.D.N.Panicker, the General Secretary of the Rourkela Shramik Sangh (henceforth RSS), quite aptly describes his union as and "infant union" in Rourkela. The union was registered in October 1987, let us see how the "Panicker Union" has evolved into its present shape of the RSS.
M.D.N. Panicker, a Malayalee Brahmin from Palghat District (Kerala), joined the RSP as a typist and voluntarily retired as Personal Secretary to the General Manager (Project division) in 1985. He opted for retirement to fight the case of the steel plant employees on a full time basis. After retirement, he formed the Organisation for the Rights of Steel Employees in June 1985. Panicker was its General Secretary. He felt the necessity of this Organisation because during his long career of secretarial assistance in the different departments of the RSP, he found that by 1985 there were about 2000 ministerial employees who were not awarded their overtime dues that had been pending since 1962. Overtime amounts ranging from Rs.15,000 to 30,000 were long due to every one of these employees. So Panicker decided to establish an autonomous non-party Organisation to directly file their case in the Supreme Court in July 1985. The case was won in the Court in September 1986. Describing this overtime arrears case, a senior CITU activist Kaka Ray grudgingly admitted that due to the negligence of his union in taking up the case, the Panicker union had emerged on the scene of labour politics. Following this court room victory the Panicker Union, as Panicker himself says, received a fillip and enthusiastically sought to organise the contract workers (since 1987). With a handful of 7 activists the Panicker Union established an "independent" association called the Contract Labourers Welfare Association (henceforth Association) in the early 1987. One Dhal, a contract worker, became its General Secretary. This Association fought the case of the retrenchment of more than 2,500 contract workers. On 1 April 1987, the RSP retrenched about 200 contract workers. On 1 May 1987 when all the registered trade unions were ritually celebrating "May day" the RSP retrenched 2500 contract labourers. On that day, the Association decided to
organise a demonstration of the contract workers in front of the Administrative Building, popularly known as the Satatala Office (the seven storied). From there, the retrenched workers went in a procession to the DLC office and returned back to the Satatala venue. In a public meeting M.D.N. Panicker announced that in case the RSP did not reinstate the workers, he would make the RSP pay the workers and the workers might as well sit at home and receive these payments. He however declared that he would not be now in a position to say when exactly he could do that for the workers. He also announced that he did not believe in the strikes, clashes and such agitational methods which would bring further hardships on the retrenched workers. He declared that the Supreme Court would do all that was possible for the contract workers. On May 2, Panicker went to Delhi. On May 22, his only daughter expired. In spite of this great emotional loss, Panicker went ahead with the Court battles. The workers were now more than convinced about his determination to fight on their behalf. In 8 May 1987 when the case came up for hearing Justice Sabyasachi Mukherjee was the sitting judge and Santi Bhutan was Panicker's advocate. Justice Mukherjee immediately issued orders to the RSP to take back all the contract workers retrenched from 1 April 1987 onwards, who had worked for more than 3 years in the RSP.

Following the Court judgment the DLCs office, Rourkela declared these retrenchments illegal since the RSP management had violated Sections (25-N) and (O) of the Industrial Disputes Act, 1947 by not serving the three months notice on the retrenched workmen and not by obtaining the permission of the Labour Department of the State Government. On 25 May 1987, the DLC

2. Record of Proceedings No.176635 on petition No.12436/1987, the Supreme Court of India on May 5, 1987.
directed the RSP management to revoke all the retrenchment notices and ensure payment of wages for the period of their illegal disengagement. It may be noted that most of these workmen had been employed for a period of 3 to 15 years. All these retrenchments were made at the instance of the General Manager (Works).

In response to the above Court judgment, the RSP management prepared a draft affidavit claiming that the RSP management was not the "Employer" of the contract workers. It claimed that the contract workers were employed by the contractors who were assigned to do the RSP jobs. The RSP got hold of Mr. Kattari, the President of the Contractors' Association. In his name the affidavit was signed and an advocate was employed and funded by RSP. On 19 August 1987, in the second hearing in the Court of the Chief Justice Pathak, it was found that as pursuance of its judgment on the first hearing, there were little more than 2000 contract workers re-employed following the agreement between the RSP and RMS signed on 30 May 1987. This did not include the case of reemployment of about 400 workers as admitted in the counter-affidavit filed by the RSP management. Panicker claimed that except for the 60 workers who belonged to the CITU/RMS combine, the rest in this left-out group belonged to his union. The then Chief Justice ordered that all these workmen be paid through the DLC the

3. Memo No. 7456 dated 25-5-87, office of the DLC Memo addressed to the MD, RSP, Rourkela.

"retrenchment compensation" of Rs.1500 each within 14 days of the Court Order issued on 19 August 1987. The RSP did not make these payments. So the union filed a contempt petition against SAIL Chairman V.Krishnamurthy and the RSP D.G.M. (P & A) B.Khatriya. On 27 October 1987 the Chief Justice Pathak ordered for immediate payments within a week. Now all the payments were made. But nothing happened regarding their reemployment in pursuance of the Court Order as on 5 May 1987.

In several petitions filed by the union, the union members realised that the RSP was forging its documents and files. So in a public meeting Panicker called upon the "responsible" employees to bring the photocopies of the RSP official documents in order to expose the corruption and nepotism of the RSP in the Court of Law. The union also continued to pursue its Court battles for the re-employment of the remaining 400 workers. On 13 September 1988 Justice E.S.Venkataramaiah ordered that all these workmen be re-employed and directed the RSP authorities to pay their wages during the period of the illegal retrenchment. Now some of them were found receiving their wages sitting at home. However, during this protracted legal battles, two workers' wives died of starvation, and the workers' children were suffering from malnutrition. Most of them being Girijans and dalits had gone through hard times. Many of their children had to discontinue their studies.

Meanwhile in the late 1987, the Contract Labourers Welfare Association which fought against the retrenchment of the contract workers, and the Organisation for the Rights of the Steel Employees which fought for the overtime arrears of the regular employees were

5. Record of Proceedings No.184647 on writ petition No.617/1987 by petitioner R.K.Panda and others, the Supreme Court of India.
merged into one body called the Rourkela Shramik Sangh with M.D.N.Panicker as its General Secretary. The Sangh was registered in October 1988. The Rourkela Shramik Sangh (henceforth RSS) fought another case in the Supreme Court.

R.K.Panda and others of the RSS filed a petition in 1986 requesting the Supreme Court to direct the RSP management to implement Section 5 and rule 25(2) (M) of the Central Labour (Regulation and Abolition) Act, 1970, i.e. to identify the perennial jobs being done by the contract workers at the RSP, regularise them and abolish the contract worker system adopted by the RSP since the late 60s (cf. Chapter 1). In its judgment in November 1987, Justice E.S.Venkataramaiah and K.N.Singh directed the Labour Commissioner of Orissa to form a Committee in order to determine "the question whether the system of contract labour prevailing in the RSP should be abolished or not". The Court directed that the State Government must take a decision to this effect on or before 31 August 1988. When the Labour Department failed to decide on this issue, the union filed a miscellaneous petition in 1988 requesting the Court to look into the matter once more. In April 1988, the Court entrusted the job to the Labour Court in Rourkela and refused to entertain any allegations against the failure of the Labour Department to comply with the previous Court Order. The Rourkela Labour Court was asked to prepare the report in the next three months and also look into the fresh cases of retrenchment of the contract workers in the RSP.

On 23 November 1988 the RSP authorities and the RMS held a meeting lasting till late evenings. They were reported to have decided not to maintain records of attendance of about 400 contract workers of a total of 484 contract workers engaged in the
Horticulture Department of the RSP. These workers belonged to the "rival union" of the RMS, i.e., the RSS. On the Management's own admission the 7 supervisors belonging to the RMS refused to maintain records of attendance of the contract labourers on the pretext that some workers belonging to the RSS were intimidating them in sheer frustration after the failure of their 22 days old strike demanding higher wages. M.D.N.Panicker, the General Secretary of the RSS requested the DLC office to launch an inquiry on the spot. Panicker produced before the DLC the photocopies of the attendance register signed by the managers from the junior to senior ranks which proved that the managers had recorded the attendance of the contractor workers. The supervisors however had not maintained parallel records of the workers. The management tried to "negotiate" and subsequently admitted its "failure". Interestingly, Panicker pleaded before the DLC, that the RSP management had not taken action against the supervisors since they belonged to the recognised union RMS. Panicker alleged that by patronising the RMS and helping them take root everywhere, the RSP management sought to control the workers in many subtle ways. On 26 November the DLC ordered a joint inquiry involving the management, contractors and contract workers. On 28 November the DLC report proposed that payments be made to all the contract labourers and that their attendance be recorded by the RSP. The report also noted that some workers had been working in the concerned Department for the last two decades.

On the basis of the DLC report, the union filed a case in the Supreme Court on 2 December 1988. On 13 December the RSP filed another petition claiming that the union's version of the DLC report was a forgery. In the following day's sitting, the union
pleaded that if the RSP's claims could be proved true, P.K. Panda and M.D.N. Panicker, the two petitioners from the RSS, should be sent to jail and the court expenses of the other party might also be penalised on them. The RSP in its counter-affidavit revealed that according to the DLC there was' such a report dated 28 November 1988 but not dated 26 November. The Court took seriously the claims and counter-claims of the RSP and ordered the Labour Commissioner, Bhubaneswar to inquire into the matter and report to the Court for a final hearing in February 1989. The Court also ordered that the concerned contract workers of the Horticulture Department be reappointed within seven days of the Court Order.

In the span of less than a year in 1988, 19 workers of the Repair, Construction and Mechanic (RCM) unit were suspended. They apparently refused to instantly oblige the managers who, using the cluster policy, sought their redeployment on the jobs for which they had not been appointed. Interestingly, the RCM unit had only 200 workers in total and 19 of them were suspended in less than a year. The suspended workers were later told by the Personnel Officers that they would be reinstated if they would quit the RSS and join the RMS. They said, the cluster policy had nothing to do with their suspensions. The RSS filed a case against these suspensions in the Labour Court. An affidavit was signed by the victims on 24 December 1988.

Commenting on the innumerable litigation cases, often arising on trivial grounds, M.D.N. Panicker says that in spite of the many labour cases, involving the RSP, even if the RSP loses, the officers concerned do not lose anything. Rather they get "golden" opportunities to move out of a small town and visit Cuttack or New Delhi where the High Court and the Supreme Court are respectively
located. That is why the managers follow a whimsical and vindictive labour policy. Against this, accountability needs to be introduced. At least 25 per cent of the expenses in the litigation cases must be paid by the officers concerned. Litigation cases of the RSP would considerably come down and there would be speedy conciliation of labour disputes at the plant level itself. The shopfloor would then become more democratic.

The RSS has also been attempting to develop a support base among the permanent employees. On the cluster promotion policy, the union collected on a memorandum the signatures of workers of the Coke Ovens considered to be "heart" of the RSP. This unit has about 1400 workers. A majority of them signed the memorandum addressed to the DLC opposing the cluster policy. In December 1988 tension developed between these workers and activists of the RMS which was party to the agreement on the cluster policy. One adivasi worker B Toppo was allegedly threatened by the RMS. One operator was forcibly evicted from his room and was suspended. His room was locked up and the management claimed that the operator had not discharged his duties properly. This operator had in fact been awarded with prizes thrice; he had received the Nehru award only six months ago in recognition of his service efficiency. The union placed the memorandum before the DLC office which assured that in case the majority of the workers of a department would go against the cluster policy, the DLC would not enter into any agreement on the policy in the concerned department.

In August 1988 when the High Court ordered the State Government to conduct elections to the Works Committee the union requested the DLC to order the contractors and RSP to organise the Works Committee elections. The union identified 9 cases of the
contractor companies where 100 or more contract workers were being employed and requested the DLC to consider for the formation of the Works Committee in these companies as per the rules of the IDA, 1947. The DLC agreed with the union's request.

Panicker has relied on Court room battles rather than direct action in order to resolve the disputes of the contract workers. Reflecting on his strategy Panicker says that the CITU which was the champion of the contract workers in the early 70s and then in the early 80s miserably failed by adopting confrontationist methods such as gherao, bandh, beatings, etc. As these methods did not pay dividends, the poor workers lost interest in the organisation. For example, in a department of 93 contract workers, the CITU had 14 very active members. Due to its confrontationist policy, 8 of them were in jail and the rest 6 lost interest in the union. Because of these lessons, the RSS believes in the Court room battles so that the poor workers would not have to undergo hardships like arrest, court cases and police torture as happened when the CITU was leading the contract workers.

When the RSS began in the early 1987 there were only 7 people. In the early 1989, the union had 30 activists including office bearers and Executive Committee members. The union was scheduled to organise its first General Body meeting in March 1989 in order to give a forum to many workers who were keen to join the union. Most of the 30 activists are contract workers. The union is, as stated earlier, contemplating for the expansion of its membership among regular employees of the RSP. Panicker said that he was trying to persuade his wife D.S.Panicker, Personal Secretary in the IGH/RSP, to organise the women employees. After all, as Panicker said, the RSS was only a "baby union" in Rourkela's history of
three decades old labour politics. Panicker's "baby union" is becoming increasingly popular. This was admitted by the RMS as well as CITU activists. Many young and old workers, this researcher found, admire Panicker's sacrifices and his very informal style of dealing with the workers. They compare his manner with the late Bastia's style of functioning. In a public meeting a contract worker introduced him as the "new Bastia" of Rourkela. The Bastia legend thus lingers on. Panicker lost his only daughter when he was just beginning to fight against the retrenchment of the contract workers - his first major struggle. This event has entered popular memory as an instance of Panicker's sacrifice and his genuine interests for the workers' cause.

In a public meeting, Panicker showed his bank balance to disprove that he was being paid by the contractors. One young contract worker was impressed by this gesture. In a world of many insidious forms of control exercised on the workers, especially the contract workers, the "Panicker union" is fast becoming popular because of the very personal touch that its leader brings to the issues and people he deals with. He used to tell them to sit at home and he would fight their cases and bend the RSP management before them in the Court of Law. In the context of a history of many defeats of their struggles and the repression launched by the RSP against the workers, Panicker's strategy has appealed greatly to the workers. His legal victories have become occasions of celebration among the RSP workers.

As a post-script, it may be stated that in the 5th elections to the Works Committee held in June 1989, four months after the completion of our field work, the workers voted for the Packiner union en bloc. Thus, the workers wiped out the popular
misconception of many observers that this scholar talked to that they are now politically apathetic. The permanent workers rejected the recognised union RMS and voted for the RSS in the 9 out of 10 constituencies of the Works Committee. Interestingly, the RSS was mainly busy in fighting the battle of the contract workers since its inception in 1987. Only one overtime arrear case of the ministerial employees was fought and won in 1985. If in spite of this, the permanent workers voted for the RSS, it is indeed a remarkable achievement for a union which claims to be an 'independent' body.

The 5th Works Committee elections held after a lapse of 15 years indicated the growing popularity of an 'autonomous' union and signified the deep alienation of the recognised union RMS as well as the left trade unions from the workers.

The above discussions of the three main self-professed 'independent' unions clearly demonstrate that they drew the sustained support of the RSP workers not merely because these unions professed autonomous unionism. Rather these unions were supported by the workers mainly because the specific issues of certain significant sections of the workers had been neglected by the centralised trade unions at the different points in time. Moreover, as shown above, the leaders of these 'independent' unions had always maintained deep connections with the regional or national leaders of the political parties. They themselves were not formally bound to any central body. And the workers were aware of their connections. Indeed the RSPEA leader was elected as MLA on the Janata Party ticket in 1977.
In the late 60s, the first non-party union, the ISS, was supported by the adivasi, dalit and Sambalpuri workers because their specific issues were being marginalised by the centralised organisations which were shy of raising the issues of the local workers. In the mid-70s, the 'independent' trade union RSPEA could succeed because the union raised the neglected issues of the ministerial employees who were marginalised by the centralised trade unions mainly focusing on the factory workers. It could also succeed among the factory workers because under the Janata wave it generated many hopes among them, concerning the neglected issues like the reformation of the Works Committee, the reprieve from the repression by the RSP and the promotion of about 7000 stagnant employees. That was why the RSPEA's General Secretary was elected on the Janata ticket from the Rourkela Assembly constituency in 1977.

Now in the late 80s, the RSS has become popular because the contract workers were feeling marginalised by many insidious controls exercised on them by the RMS & CITU. They were also frustrated with these organisations for the lack of personal involvement of their leadership in their problems and because these organisations let them down after the workers had nursed illusory hopes regarding their regularisation. Panicker adopted rather a straightforward approach and did not make false promises. He maintained a very personal rapport with the workers. He fought and won their cases in the Court(s) without pushing them into the police 'custody' as the CITU did in the early 70s and then in the early 80s. This sequence of events now fairly establishes that the self-professed independent unions succeeded in winning over the RSP workers at different points of time because the specific issues of
the certain sections of the workers were being marginalised by the established trade unions which happened to be the affiliated bodies working as the 'mass wings' of their respective parent parties. That is why we characterise this historical sequence in labour politics as 'politics of the marginals'.